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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

11 HOWARD ELLIS, )  
12 Petitioner, )  
13 vs. )  
14 JACK PALMER, *et al.*, )  
15 Respondents. )  
16

3:12-cv-00099-RCJ-VPC

**ORDER**

17 This closed action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C.  
18 § 2254, by a Nevada state prisoner. Before the Court is petitioner's motion for relief from judgment.  
19 (ECF No. 60). Under Fed. R. Civ. P. 60(b) the court may relieve a party from a final judgment or  
20 order for the following reasons:

21 (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly  
22 discovered evidence which by due diligence could not have been  
discovered in time to move for a new trial under Rule 59(b); (3) fraud  
(whether heretofore denominated intrinsic or extrinsic),  
23 misrepresentation, or other misconduct of an adverse party; (4) the  
judgment is void; (5) the judgment has been satisfied, released, or  
discharged, or a prior judgment upon which it is based has been  
24 reversed or otherwise vacated, or it is no longer equitable that the  
judgment should have prospective application; or (6) any other reason  
25 justifying relief from the operation of the judgment.  
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1 Motions to reconsider are generally left to the discretion of the trial court. *See Combs v. Nick*  
2 *Garin Trucking*, 825 F.2d 437, 441 (D.C. Cir. 1987). In order to succeed on a motion to reconsider,  
3 a party must set forth facts or law of a strongly convincing nature to induce the court to reverse its  
4 prior decision. *See Kern-Tulare Water Dist. v. City of Bakersfield*, 634 F. Supp. 656, 665 (E.D. Cal.  
5 1986), *aff'd in part and rev'd in part on other grounds* 828 F.2d 514 (9<sup>th</sup> Cir. 1987).

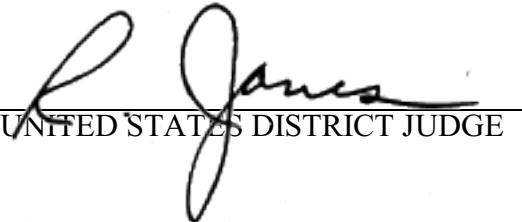
6 In the instant case, this Court properly entered judgment dismissing this action in the order  
7 filed March 7, 2013. (ECF No. 58). In his motion for relief from judgment, petitioner has not  
8 identified any mistake, intervening change in controlling law, or other factor that would require  
9 vacating the judgment. Petitioner has not shown that manifest injustice resulted from dismissal of  
10 the action. Petitioner also has not presented with relevant newly discovered or previously  
11 unavailable evidence. Petitioner has failed to make an adequate showing under Rule 60(b) to justify  
12 granting his motion for relief from judgment.

13 **IT IS THEREFORE ORDERED** that respondents' motion to file an amended opposition to  
14 the motion for relief from judgment (ECF No. 65) is **GRANTED**.

15 **IT IS FURTHER ORDERED** that petitioner's motion for relief from judgment (ECF No.  
16 60), is **DENIED**.

17 Dated this 6<sup>th</sup> day of September, 2013.

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UNITED STATES DISTRICT JUDGE